

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ROBERT J. MURILLO,

Petitioner,

v.

Case No. 12-13705

J. WALTON,

Respondent,

ORDER DENYING AS MOOT THE MOTION FOR SPECIFIC PERFORMANCE

Petitioner Robert J. Murillo petitioned for a writ of habeas corpus under 28 U.S.C. § 2241. The court denied the petition. See *Murillo v. Walton*, No. 12-13705 (Dkt. # 4), 2012 WL 5379158 (E.D. Mich. Oct. 31, 2012). Pending before the court is Petitioner's motion for specific performance, in which he asks the court to either grant him a writ of habeas corpus or order Respondent to show cause why the writ should not be granted.

Because the court denied the petition, the motion for specific performance is moot. Cf. *In re Yagman*, 322 Fed. App'x. 311 (4th Cir. 2009) (dismissing mandamus petition as moot because district court had already dismissed the habeas petition).

Accordingly,

IT IS ORDERED that Petitioner's "Motion For Specific Performance of 28 U.S.C. § 2243" [Dkt. # 3] is DENIED AS MOOT.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: December 4, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, December 4, 2012, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522